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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,335	09/11/2003	Ikuo Makita	1538.1040	3760
21171	7590	07/10/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER LEMMMA, SAMSON B	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 07/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/659,335	Applicant(s) MAKITA, IKUO	
	Examiner Samson B. Lemma	Art Unit 2132	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

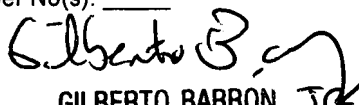
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-33.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.


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Continuation of 11. does NOT place the application in condition for allowance because: Examiner asserts that applicant's representative arguments/remark is not persuasive.

Regarding the applicant's argument to the 112 rejection given to the claims 1 and 14, Examiner would like to point out that the limitation that indicate the fact that the "second user" requesting that the claimed first user be given permission to read the claimed "specific data" is still ambiguous and is open to different interpretation.

In other words unless it is explicitly and clearly written in the claim itself, the limitation in the claims can be interpreted in the various ways. For instance, the limitation recited as "receiving a first digital signature for specific data and data concerning a first user to be allowed to read said specific data, from a terminal of a second user" can not explicitly implies that the second user is the one generating the first digital signature and it is the second user who is requesting the center so that it gets permission from the center and finds out that it has the authority to give said first user permission to read specific data. There is no indication in the independent claims that indicates where the specific data is stored. If it is stored in the second user's terminal then it is more likely that the first user has to be the one who is making/or initiating the first request to access the specific data stored in the second user's computer. The following steps which are important to understand the scope of the limitation is missing and has to be defined in the claim itself.

1. Who generates the first digital signature? Is it the first user from the first terminal or it is the second user from the second terminal?
2. If the first user from the first terminal is generating the first digital signature then how does the second terminal receives this first digital signature before it sends it to the center?

3. If the second user is the one who is generating the first digital signature to get permission from the center to let the first user from the first terminal to read data stored in the second terminal then the second user/terminal has to somehow first receive a request from the first user or first computer, that important steps has to be included in the claim itself to avoid ambiguity.

4. If the central system is comprising of an entity other than the second computer that makes the decision to inform the second computer that the second user/computer/terminal has the authority to let the first computer read/update specific data stored in the second computer then that entity has to some how be indicted in the body of the claim itself other than the preamble. This is because a "center system" which is recited in the preamble can not only be this single entity/the decision maker as applicant argued but comprised of different entities such as the first computer, second computer and the other entity who makes the decision. In the absence of this examiner interpretation that the second computer is making the decision is correct and valid.

As to applicant's amendment made to independent claims 14 and 18, the amendment further needs another correction so that the claims have a well-defined meaning.

For instance, the limitation recited as "a computer-readable medium storing a program for causing an apparatus to execute: Receiving a first digital signature for...." Requires further amendment.

This can be corrected for instance as follows,

A computer-readable medium storing a program and when the program is executed, it performs the steps for:

Receiving a first digital signature for...."

Though the application might contain allowable subject matter the independent claims have not yet been written to include such allowable subject matter. For instance, after correcting the ambiguity indicated above if each and every limitation incorporates the limitation recited in dependent claim 3, it would overcome the ground of rejection and possibly make the application allowable.

The examiner would therefore like to point out that examiner's interpretation of the claims is correct and each and every limitation of the independent claims is disclosed by the reference on the record as shown below.

The combination of the reference on the record namely Hirobumi and Spain discloses the limitation recited in the independent claims as follows,

Hirobumi discloses an information processing method in a center system, comprising: receiving a first digital signature for specific data and data concerning a first user to be allowed to read said specific data, from a terminal of a second user; [Abstract] (Concerning an electronic document template, in a server, an access control parameter for controlling the read and update of input items on the document and records in a job database is separated to a server definition parameter and a user definition parameter (1101). The hash values of the respective parameters are found, enciphered signatures are added (1103), and the template is transmitted corresponding to the request of a client) is separated to a server definition parameter and a user definition parameter (1101)) comparing the received first digital signature with a second digital signature, which is registered in a data storage unit so as to correspond to said specific data; and if it is judged that said first signature and said second signature are identical, performing a processing for enabling said first user to read said specific data. [Abstract and see also paragraph 0007-0009] (When the parameter is updated (1202) at the client side, processing similar to 1103 is performed (1203), data are inputted (1204), processing similar to 1103 is performed to the data (1205), the hash value of the parameter is found, falsification of the parameter is confirmed on the basis of the result compounding this hash value and the signature (1206), and the template is transmitted to the server (1207). In the server, the falsification is confirmed similarly to the server, processing is performed to the template and the result is returned to the client.)

Hirobumi does not explicitly disclose

Confirming if an authority to give said first user permission to read data by comparing the received first digital signatures with second digital signature.

However, in the same field of endeavor, Spain discloses the following, which meets the above limitation,

"A digital signature generator is included to create a digital signature of the hardware address of the hardware element. A memory element stores the digital signature of the hardware element. A software program is included to compare the digital signature of the hardware element to a known value. If the digital signature of the hardware element matches the known value, the user may be granted read and write access to all memory locations within the memory element, including a location in which the hardware address is stored."

[See at least the Abstract]

As to the argument presented by the applicant that the secondary reference fails to disclose, either expressly or implicitly controlling an access to specific data stored in a server or a network, examiner would like to point out that network system shown on figure 3, ref. Num "300" explicitly teach controlling an access to specific data stored in a server or a network by comparing digital signature/s.

The rejection made to the claims 5, 11, 12, 18 and 28 is not misplaced as applicant as argued since the extra limitations added to these specific independent claims such as "if said first digital signature and said second digital signature are identical, carrying out a setting to allow said user to update said specific data" is disclosed by the secondary reference on the record, namely Spain.

Examiner would once again point out that Spain discloses the following, which meets the above limitation of allowing said user to update said specific data,

"A digital signature generator is included to create a digital signature of the hardware address of the hardware element. A memory element stores the digital signature of the hardware element. A software program is included to compare the digital signature of the hardware element to a known value. If the digital signature of the hardware element matches the known value, the user may be granted read and write/update access to all memory locations within the memory element, including a location in which the hardware address is stored." [See at least the Abstract]

Finally, in response to applicant's arguments against the references individually, examiner would point out that, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).